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7 **UNITED STATES DISTRICT COURT**
8 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**
9 **SOUTHERN DIVISION**

10
11 ALLERGAN, INC., ALLERGAN
12 SALES, LLC,

13 Plaintiffs,

14 v.

15 FERRUM FERRO CAPITAL, LLC;
16 KEVIN BARNES,

17 Defendants.

18 Case No. SACV 15-00992 JAK (PLAx)

19 **JUDGMENT**

20 **JS-6**

21 The Hon. John A. Kronstadt
22 Courtroom: 750

On June 19, 2015, Allergan, Inc. and Allergan Sales, LLC (collectively, “Allergan”) filed suit against Ferrum Ferro Capital, LLC (“FFC”) and Kevin Barnes (“Barnes”) (collectively “Defendants”) alleging attempted civil extortion, unfair competition, and malicious prosecution under California law related to Defendants’ filing of a petition for *inter partes* review regarding Allergan’s U.S. Patent No. 7,030,149. (D.I. 1)

On August 10, 2015, Defendants filed a motion to strike Allergan's complaint under California's anti-SLAPP statute (D.I. 26), and a motion to stay discovery (D.I. 28).

On September 1, 2015, the Court *sua sponte* issued an Order to Show Cause “with respect to whether this Court has subject matter jurisdiction over this action.” (D.I. 43 at 2.)

On September 14, 2015 Allergan and Defendants filed simultaneous briefs in response to the Court's September 1, 2015 Order to Show Cause regarding subject matter jurisdiction. Both parties argued that the Court had federal subject matter jurisdiction. (*See* D.I. 50 & 51.)

On October 13, 2015, Allergan filed a motion to (1) file a First Supplemental Complaint, and (2) strike certain arguments advanced by Defendants. (*See* D.I. 63.)

On October 19, 2015, the Court held a hearing in the case. The sole issue heard by the Court was related to whether the Court had subject matter jurisdiction.

On December 28, 2015, the Court issued an order dismissing the case, without prejudice, for lack of federal subject matter jurisdiction. (*See* D.I. 67 at 11.) The Court further denied as moot all other pending motions in the case. (*Id.*)

The Court **HEREBY ENTERS JUDGMENT** dismissing the case, without prejudice, for lack of subject matter jurisdiction. Each party shall bear its own fees and costs.

IT IS SO ORDERED.

Date: January 20, 2016

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The Honorable John A. Kronstadt
United States District Judge